

REMARKS/ARGUMENTS

Claims 1-51 were previously pending, with claims 1, 3, 5, 7, 12, 19, 23, 34, 39 and 47 being independent. As indicated in the Office Action dated November 23, 2010, claims 5-11 are allowed. With this paper, as shown above, claims 1-3, 12-20, 22-30, 34, 37, and 39-50 have been amended. No new matter has been added. Support for these amendments may be found throughout the Specification. Thus, claims 1-51 remain pending.

Applicants respectfully request reconsideration of this application based on the following remarks.

Claim Rejections – 35 USC §101

Claims 3 and 4 are rejected under 35 USC §101 allegedly because the claimed invention is directed to non-statutory subject matter. As shown above, Applicants have amended claim 3 and it is believed that the recited subject matter of claims 3 and 4 meets the requirement of 35 USC §101. Withdrawal of the 101 rejection of claims 3 and 4 is respectfully requested.

Claim Rejections – 35 USC § 103

Claims 1, 2, 12-16, 18-20, 22-27, 29-36, 39-44, and 46-50 are rejected under 35 USC § 103(a) as being unpatentable over Gagnon et al. (European Patent Application EP 1 024 661 A2) in view of Paulraj et al. (US Patent No. 6,067,290).

Claims 17, 28 and 45 are rejected under 35 USC § 103(a) as being unpatentable over Gagnon in view of Paulraj and further in view of Rustad et al. (US Patent No. 6,775,303).

Claims 21, 37, 38 and 51 are rejected under 35 USC § 103(a) as being unpatentable over Gagnon in view of Paulraj and further in view of Matsui et al. (US Patent No. 6,580,756).

Amended independent claim 1 is directed to a method in a wireless communication system supporting a broadcast service. The method comprises transmitting a broadcast session on a physical channel, and transmitting broadcast overhead information for the broadcast session in-band with the broadcast session on the broadcast transmission channel, wherein the broadcast overhead information includes a session description protocol (SDP) message that provides information including physical layer formatting information, and wherein the physical layer formatting information includes a Walsh code for decoding the physical channel.

None of the cited references, taken alone or in combination, discloses or suggests the

subject matter recited in claim 1. The Examiner acknowledged on page 21 of the Office Action dated November 23, 2010 that “[w]hile the prior art of record does disclose transmitting SDP messages with broadcast sessions (See Gagnon et al.) and transmitting broadcast overhead information, including a Walsh code, in-band with a broadcast session (See Paulraj et al.), the prior art of record does not disclose an SDP message including a Walsh code for decoding a physical channel.” Thus, for at least the same reason, independent claim 1 is allowable.

Further, neither Rustad nor Matsui remedies the foregoing deficiencies of Gagnon and Paulraj, as neither discloses or suggests “the broadcast overhead information includes a session description protocol (SDP) message that provides information including physical layer formatting information ..., and wherein the physical layer formatting information includes a Walsh code for decoding the physical channel,” as recited in claim 1. Thus, amended claim 1 is patentable over any combination of the cited references.

Independent claims 3, 12, 19, 23, 34, 39 and 47 recite similar subject matter and are allowable for at least the same reasons as discussed above. Further, claims 2, 4, 13-18, 20-22, 25-33, 35-38, 40-46 and 48-51 depend either directly or indirectly from independent claims 1, 3, 12, 19, 23, 34, 39 and 47 and are also allowable for at least the same reasons as discussed above.

Therefore, Applicants respectfully request the withdrawal of the rejections under 35 USC § 103(a).

Application No. 10/033,141
Amendment dated February 17, 2011
Reply to Office Action of November 23, 2010

CONCLUSION

In light of these remarks, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: February 17, 2011

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